

FINAL REPORT OF THE DELAWARE DEPARTMENT OF JUSTICE
USE OF DEADLY FORCE BY THE NEW CASTLE COUNTY POLICE
SUBJECTS: EVAN CHANDLER, ALISTAIR DIPASQUALE, MICHAEL EDGERTON
AND DAVID SALASKY, III.
OFFICERS: SEAN SWEENEY-JONES, ALEJANDRO GUILLEN AND
RYAN ARCHANGELO
DATE OF INCIDENT: JANUARY 22, 2023

Dated: June 28, 2023

Scope of the Investigation

This is the final report of the Delaware Department of Justice, Division of Civil Rights and Public Trust (“DCRPT”), arising out of the investigation into the use of deadly force, via non-fatal shooting, by the New Castle County Police (“NCCPD”) against Evan Chandler (hereinafter “Chandler”), Alistair DiPasquale (“DiPasquale”), Michael Edgerton (“Edgerton”) and David Salasky, III (“Salasky”). DCRPT investigators and attorneys reviewed evidence consisting of video footage, dispatch records, victim and witness interviews, police interviews, scene photos, and medical records.

This report is the eighth (8th) report by DCRPT on a case involving a pending criminal defendant. As our reports seek to expand transparency and ensure trust in the process of reviewing the deadly use of force by law enforcement, we must stress that this report is wholly separate from the criminal proceeding – DCRPT’s investigators and prosecutors are not involved in the criminal case, nor are Criminal Division prosecutors involved in DCRPT’s decision-making. The outcome of Chandler, DiPasquale, Edgerton, and Salasky’s criminal cases must be determined solely and exclusively on the evidence presented at trial, and in accordance with the Court’s rules. This report in no way relieves the State of Delaware of its burdens at trial.

Purpose of the Department of Justice Report

The Department of Justice determines whether a law enforcement officer’s use of deadly force constitutes a criminal act. The Department of Justice does not establish or enforce internal police policies concerning the proper use of deadly force by law enforcement officers. Law enforcement agencies are responsible for establishing and enforcing guidelines for the use of force by their officers and for determining whether an officer’s actions were consistent with such guidelines in a given case. This report expresses no opinion whether involved officers’ actions complied with departmental policies or procedures.

Facts

At approximately 1:48 a.m. on Sunday, January 22, 2023, a resident of 21 West Minuit Drive in New Castle called 911 and reported a break-in. The caller reported that armed subjects were in the living room of his residence and attacking his roommates. The caller advised he was in his bedroom and could hear commotion and yelling from the living room.

New Castle County Police officers arrived on scene and encountered several suspects exiting or attempting to exit the residence via the front door. One of the suspects, later identified as DiPasquale, was carrying a black HK MP-5 .22 caliber firearm. Officer Sean Sweeney-Jones (“Officer Sweeney-Jones”) gave verbal commands to the suspects, who failed to comply with his commands. Officers Sweeney-Jones and Ryan Archangelo (“Officer Archangelo”) fired their service weapons, striking two of the suspects (DiPasquale and Chandler) and causing non-life-threatening injuries. As Officers Sweeney-Jones and Archangelo confronted DiPasquale and Chandler; two other suspects, Salasky and Edgerton, retreated inside the residence and fled out the rear of the residence.

Salasky was confronted by Officer Alejandro Guillen (“Officer Guillen”) near the rear of the property as Salasky had scaled over an approximately six-foot wooden fence. Officer Guillen confronted Salasky, who was armed with a reddish-orange unbranded 9mm handgun. Officer Guillen discharged his firearm one time after Salasky turned toward him with his handgun in hand. Salasky was not hit by Guillen’s gunfire but did drop his handgun and surrendered without further incident. Edgerton and DiPasquale were able to flee the area but were apprehended at a later date. DiPasquale dropped his firearm as he fled the property.

Chandler was apprehended at the scene and transported to Christiana Hospital for medical treatment. Chandler was treated for gunshot wounds to his left upper arm; a gunshot wound to his left thigh; and a gunshot wound to his right thigh. Salasky was also apprehended at the scene and transported to Christiana Hospital for a leg injury he received after jumping over the wooden fence. The injury was determined to be a leg bruise. Salasky was then transported to NCCPD Headquarters and invoked his right to not make a statement. No officers were injured during the incident.

NCCPD continued their investigation and learned that Alistair DiPasquale was involved in the burglary at 21 West Minuit Drive. On January 24, 2023, NCCPD was able to locate DiPasquale and place him under arrest without incident at an address in the City of Wilmington. DiPasquale had suffered a gunshot injury from the January 22, 2023 incident. DiPasquale was transported to Christiana Care Hospital and treated for a left biceps/triceps wound. DiPasquale was later transported to NCCPD. DiPasquale provided a partial statement to detectives. During his interview, DiPasquale admitted to being involved with the burglary on West Minuit Drive. He stated the police never said anything and just started shooting. DiPasquale stopped the interview and did not provide any additional statements.

NCCPD was able to determine that a fourth subject, Edgerton, was involved in the January 22, 2023 burglary. On February 2, 2023, Edgerton was located at his residence and provided an initial statement to detectives. On February 7, 2023, Edgerton responded to NCCPD Headquarters and provided a full confession to the home invasion and the actions of four suspects.

Officers Involved Statements

Officer First Class Sean Sweeney-Jones

Officer First Class Sean Sweeney-Jones has been with the NCCPD for approximately nine years. Sweeney-Jones is currently working in the Patrol Division and is assigned to the central district for NCCPD. On January 22, 2023, he was in full NCCPD uniform with the outer vest carrier and assigned to work from 3:00 p.m.- 2:15 a.m. with approved overtime.

Officer Sweeney-Jones told the investigator that he was parked at the Seeds of Greatness Church on Route 273 and Route 13 along with Officers Guillen, Archangelo, Kluczynski and Walsh, when at approximately 01:50 a.m., Recom dispatched them to 21 West Minuit Drive in reference to a fight with weapons. Officer Sweeney-Jones stated that he started to read the dispatch report on his computer and observed additional information indicating that there were people inside the residence with guns. Officer Sweeney-Jones had been to this residence several times

prior for drug overdose and mental health calls and initially thought someone was having a mental health episode.

Officers Sweeney-Jones, Guillen, Archangelo, Koutney Kluczynski, and Corey Walsh all responded to 21 West Minuit Drive and parked down the street to make a safe approach. The officers walked to the residence quietly to see if they could hear anything. Officer Sweeney-Jones tried to look through a window on the front side of the residence but could not see anything. He knew the other officers were behind him, but he was not sure of their order. Officer Sweeney-Jones could “faintly” hear voices but could not tell what was being said. As he approached the residence’s front door, he noticed the porch light was on and he could hear the voices, which seemed to be coming to the front door, getting louder. At this time, Officer Sweeney-Jones believed that a subject with mental health issues was coming to the door to talk with them.

Officer Sweeney-Jones had his flashlight in his left hand as he approached the front door. The front door then “flung” open and a male figure walked out carrying what Officer Sweeney-Jones thought to be a handgun. Officer Sweeney-Jones stated a second person exited the front door and appeared to be carrying a MP5 Rifle. Officer Sweeney-Jones realized that this situation was serious and not a mental health call. Officer Sweeney-Jones stated that everything started to slow down in his mind and that he was focused on the MP5 Rifle and whether it was a real or fake gun. Officer Sweeney-Jones then saw the magazine and brass casing and realized it was a real gun. Officer Sweeney-Jones recalls thinking that the officers were “outgunned” and that an MP5 Rifle can shoot 30 rounds with relative ease.

Officer Sweeney-Jones drew his handgun and started giving verbal commands. He isn’t sure of what he specifically said, but believes it was to the effect of “stop” or “drop it”. Officer Sweeney-Jones stated that he pointed his gun in the direction of the subject carrying the MP5 but they kept walking away. Officer Sweeney-Jones thought that the suspects would either seek cover and start shooting at them, or run. Officer Sweeney-Jones stated that he was hoping the suspects would comply but observed one of them turn towards him and he believed they were going to “engage” him with the firearm. Officer Sweeney-Jones believed that the subject was going to fire on him and the other officers, so he discharged his firearm approximately ten times. Officer Sweeney-Jones shot with one hand due to fact he had his flashlight in his left hand. Officer Sweeney-Jones heard gunshots as he was shooting but could not tell who was shooting or where they were coming from. One of the suspects went down to the ground and he lost sight of the other one. Officer Sweeney-Jones told the investigator that he stopped shooting because he believed the threat had been stopped. He heard another gunshot from an unknown person.

Officer Sweeney-Jones ran over to the suspect who fell to the ground (Chandler), assessed him, and made sure he didn’t have any weapons on his person. Officer Sweeney-Jones observed the MP5 Rifle on the ground near Chandler. Officer Sweeney-Jones stated that as he was assessing the subject on the ground, he heard another gunshot coming from the side of the house, where Officer Guillen was located. Officer Sweeney-Jones went to check on Officer Guillen and observed him addressing a suspect who was on the ground. Officer Sweeney-Jones responded to the subject on the ground (Salasky) and handcuffed him. A handgun was observed on the ground near Salasky. Officer Sweeney-Jones checked the rear of the residence for any additional suspects but observed no one. He then responded back to the front of the house because he heard yelling

and screaming. Officer Sweeney-Jones and the other officers ordered all the remaining occupants out of the house to control the scene.

Officer First Class Ryan Archangelo

Officer First Class Ryan Archangelo stated that he has been with the NCCPD for just over a year and half and is assigned to the Patrol Division. On January 22, 2023, Officer Archangelo was assigned to work from 8:00 p.m. to 7:00 a.m.

Officer Archangelo told the investigator that he was parked at the Seeds of Greatness Church on Route 273 and Route 13 along with Officers Sweeney-Jones, Guillen, Kluczynski and Walsh. Initially he and Officer Guillen were dispatched to a separate call, but when they heard the 21 West Minuit Drive call about a fight with weapons, they decided to respond with those units. Officer Archangelo stated that Officers Sweeney-Jones and Guillen were to his right and Officers Kluczynski and Walsh were to his left as they approached the residence. Officer Archangelo remembers seeing a “thick” tree in the front yard and lights on in the house.

Officer Archangelo took a position next to the tree as Officers Sweeney-Jones and Guillen walked toward the front door of the residence. Officer Archangelo stated that he was not sure if Officer Sweeney-Jones knocked on the front door but recalls the glass storm door opening and that two suspects walked out very quickly. Officer Archangelo immediately noticed that one of the suspects was carrying what appeared to be a “sub-machine” type weapon in his right hand. Officer Archangelo stated that he became “fixed” on the gun as the suspects were quickly walking in the direction of Officer Sweeney-Jones and Guillen toward the driveway. Officer Archangelo stepped around the tree and started to move toward the suspects to close the distance. As he was moving toward the suspects, he heard gun fire but was not sure who was shooting or where it was coming from.

Officer Archangelo drew his firearm but was not sure if it was before or after the gunfire. He recalls seeing the subject with the “sub-machine” gun standing in front of the vehicle parked in the driveway facing him. At this time Officer Archangelo fired three or four times at the subject. Officer Archangelo knew that Officers Sweeney-Jones and Guillen was somewhere to the right of him. Officer Archangelo continued toward the subject, who was now lying on the ground. While Officer Kluczynski stayed with the subject, Officer Archangelo went to check on Officer Sweeney-Jones and Guillen then returned to the front of the house. Officers ordered the remaining occupants out of the residence and secured the scene.

Officer First Class Alejandro Guillen

Officer First Class Alejandro Guillen stated that he has been a NCCPD officer for four years and is currently assigned to the Patrol Division. On January 22, 2023, Officer Guillen was assigned to work from 5:00 p.m. to 4:00 a.m.

Officer Guillen told the investigator that he was parked at the Seeds of Greatness Church on Route 273 and Route 13 along with Officers Sweeney-Jones, Archangelo, Kluczynski and Walsh. Recom dispatched them to 21 West Minuit Drive in reference to a fight with weapons.

Officer Guillen recalled Officer Sweeney-Jones notifying Recom that the caller may be 10-81 (have mental health issues). Officer Guillen recalled having been to this residence previously for a mental health call.

Officer Guillen stated the officers responded to the residence together. When they arrived, nothing appeared “suspicious”, but Officer Guillen noticed a front light on. Officer Guillen walked to the driveway side of the residence and was behind Officers Sweeny-Jones and Archangelo. Officer Guillen then observed the front storm door open and two suspects wearing masks exit the residence. He observed that one of the suspects was holding a “black long rifle.” Officer Guillen stated that he thinks the second suspect that exited the residence was carrying the rifle. Officer Guillen unholstered his firearm as he heard Officer Sweeney-Jones say something to the suspects. The suspects continued walking and shots were fired. Officer Guillen knew that Officer Sweeny-Jones was shooting but was unsure if anyone else shooting. At this point Officer Guillen had lost sight of the suspects. He moved to find cover at the rear of a vehicle near the right side of the driveway.

Officer Guillen saw someone on the ground and initially thought both suspects were down. He could hear movement in the back yard (tree branches) and what sounded like someone running. Officer Guillen moved toward the back of the residence along the wooden fence line. He observed a subject dressed in dark clothing behind a tree with his back toward him. Officer Guillen could see something in the subject’s hand but was not sure what it was, as it was dark in this area. Officer Guillen stated he was not sure where the subject came from but knew this was a “legitimate” home invasion call.

Officer Guillen gave the subject verbal commands not to move but the subject quickly turned around and “squared up” against him. The subject was a little “hunched over” with his hands in front of his body and “sort of” pointed in Officer Guillen’s direction. Officer Guillen stated that he feared for his life, so he discharged one round at the subject. The subject immediately fell to the ground. Officer Guillen held the subject at gunpoint until Officer Sweeney-Jones responded to him and they secured the subject. Officer Guillen observed a red handgun next to the subject as Officer Sweeney-Jones was handcuffing him. Officer Sweeney-Jones went to the front of the house to assist other officers.

When another officer came next to him, Officer Guillen checked the subject for injuries as he thought the subject was shot. Officer Guillen did not see any gunshot wounds. Officer Guillen stated it was a very active scene and he remained in the back of the house until the scene was secured. Officer Guillen stated he turned over the subject to assisting officers.

Witness Officer Statement

Officer First Class Kourtney Kluczynski

Officer First Class Kourtney Kluczynski (“Officer Kluczynski”) has been employed by the NCCPD since August 2019. Officer Kluczynski is currently a Field Training Officer. On January 22, 2023, she was training Officer Corey Walsh (“Officer Walsh”).

Officer Kluczynski told the investigator that prior to being dispatched to the complaint she was sitting in her vehicle at Seeds of Greatness Church. Officers Sweeney-Jones, Guillen, Archangelo, and Walsh were also parked at the church. Officer Kluczynski heard on the radio a report of a fight in progress and responded to the call along with other units.

While driving to the call, Officer Kluczynski heard an Officer ask for a call back to the residence and there was no answer. Radio transmissions indicated that the reporting person had stated there were people in his living room with guns. She looked at the CAD and it said, "voicemail on call back." Officer Kluczynski was familiar with the address of 21 West Minuit Drive as she has been at this residence prior for domestic situations and a robbery. She also recalled that Officer Sweeney-Jones made a comment that police often respond to this address.

Officer Kluczynski stated that at the residence a light was seen inside and the blinds were down. The officers tried to hear anything coming from residence. Officer Kluczynski took up a position behind a large tree in the front yard. She believed Officers Archangelo and Guillen were walking up behind her. As a group, the officers started moving towards the front door. Officer Sweeney-Jones was in front of Officer Kluczynski and Officer Walsh was after her. Officer Kluczynski heard the sound of the interior door opening. An exterior storm door also opened. Officer Kluczynski then observed a male exit the residence with a black rifle in his hands. The male also had a large bag of some sort in his hand. She recalls seeing this because the front porch light was on. Officer Kluczynski remembers giving commands but does not remember exactly what she said or what the other officers said. After seeing the gun, Officer Kluczynski pulled her issued duty weapon out of the holster and pointed it toward the unknown subject. Officer Kluczynski only saw one subject come out of the residence but is unsure if there were more. She advised there may have been another person that came out behind the first subject. Officer Kluczynski believed the suspects exiting the residence did not know the police were there. Officer Kluczynski told the investigator, "I think we really caught them off guard."

Officer Sweeney-Jones stepped in front of Officer Kluczynski. She recalls shots being fired, but she did not shoot her weapon because an officer was in front of her. Officer Kluczynski did not have her flashlight activated on her handgun. It appeared that the subject who exited the residence first was struck by gunfire. There was a car parked at the end of the driveway and Officer Kluczynski believes she moved toward the other side of this vehicle toward the passenger side. She then saw the subject on the ground with his hands out and he was complying with commands from the police officers. Officer Kluczynski lost sight of Officers Sweeney-Jones and Guillen. She heard more shots being fired toward the rear of the residence.

Officer Kluczynski kept the subject lying on the ground in the driveway at gunpoint until Officer Sweeney-Jones responded to her location and placed the subject in handcuffs. She recalled seeing additional subjects exit the residence and be placed in handcuffs. Officers Sweeney-Jones and Kluczynski moved the subject on the ground to the other side of the van to provide some cover. The officers flipped the subject over so he was face up and checked him for injuries. Officer Kluczynski pulled the subject's pants down to check his legs for injuries and applied a tourniquet to his right leg after observing a gunshot wound to his thigh. She then checked the subject's torso and back and observed no other injuries. Officer Kluczynski observed another gunshot wound to the subject's left thigh and asked Officer James Daly for another tourniquet. Officer Daly placed

the tourniquet on the subject's left leg.

Officer Kluczynski remembers this subject wearing a white hooded sweatshirt with the hood over his head and tied very tightly around his face. When Officer Kluczynski untied the hood, the subject was wearing a black face mask underneath; when she removed the mask she observed the subject to be a Black male. Officer Kluczynski believes she also observed that the subject was wearing rubber gloves. She does not recall seeing where the gun was but believes it was in the yard. The subject identified himself as Evan Chandler as he was moved into an ambulance.

Injuries

Chandler was treated for gunshot wounds to his upper left arm, left thigh, and right thigh. The gunshot to his arm was a through-and-through wound. His left and right thighs had entrance wounds and fragmentation within the muscle. DiPasquale was treated for a gunshot wound to the left biceps/triceps area. Salasky was treated for a bruised leg.

Body Worn Camera

Officers Sweeney-Jones, Archangelo, and Guillen were all equipped with body worn cameras ("BWC") which were activated during the January 22, 2023 incident at 21 West Minuit Drive. Officer Sweeney-Jones' BWC footage shows him approaching the front of the house. As he gets closer to the front door, two subjects can be seen exiting the residence via the door. The first suspect is carrying what appears to be a bag (Chandler), and the second suspect (DiPasquale) is holding what appears to be a rifle. Officer Sweeney-Jones yells the commands "hands, hands" and "drop it" then fires numerous rounds at the subjects. Chandler dropped to the ground and Officer Sweeney-Jones ran to the side yard where he encountered Salasky.

Officer Guillen's BWC footage shows him running to the side yard of the property and encountering Salasky, who was standing between a fence and a tree. Officer Guillen shouted commands at Salasky and discharged his weapon one time. Salasky can be seen falling to the ground. Officer Guillen continued to cover Salasky at gunpoint with the assistance of Officer Sweeney-Jones until Salasky was handcuffed.

Officer Archangelo's BWC footage shows him approach the front of the residence. Two officers can be seen walking in front of him towards the front door. When Officer Archangelo is near a large tree in the front yard, movement of the officers and a subject can be seen on the front porch. Officer Archangelo fires five times. Officer Archangelo moves towards a subject (Chandler) who is lying on the ground and yells commands such as "don't move." A shot can be heard, and Officer Archangelo moves towards the side yard. Officers Sweeney-Jones and Archangelo are in the side yard holding Salasky on the ground at gunpoint. Officer Archangelo returns to the front of the residence and orders the remaining occupants out of the house.

Officer Kluczynski was also wearing a BWC. Below are screenshots from Officers Sweeney-Jones and Kluczynski's BWC footage.

From BWC footage of Officer Sweeney-Jones:





From BWC footage of Officer Kluczynski:



Crime Scene Photos

The location of the incident is the property of 21 West Minuit Drive, Manor Park, New Castle, Delaware 19720.



Overhead photos of 21 West Minuit Drive



The front of the property



The front of the residence. Officer Archangelo was standing next to the tree when he discharged his handgun five times at the suspects. Suspects were in front of the vehicle in the driveway.



Base of the driveway. Shell casings are from Officer Sweeney-Jones' firearm. He discharged his handgun 14 times at the suspects.



Right side of the vehicle parked in the driveway. Markings are shell casings from Sweeney-Jones' firearm, with the exception of the two markings by the black bag in front of the vehicle.



Area in front of the vehicle in driveway. The red aluminum shed was struck by gunfire.



Right side of the residence/property. Salasky scaled the wooden fence by the tree. He was in possession of the reddish-orange 9mm handgun. Officer Guillen discharged his handgun one time at Salasky but did not strike him.

Conclusion

The State must determine whether the use of deadly force by the NCCPD officers constitutes a criminal act. Title 11 Section 464 of the Delaware Code defines the legal use of force in self-protection. It provides, in pertinent part, that “[t]he use of deadly force is justifiable under this section if the [officer] believes that such force is necessary to protect the [officer] against death or serious physical injury.” In a criminal case, the State must also prove beyond a reasonable doubt that an officer’s use of deadly force *was not* justified under Title 11 Section 465, use of force for the protection of other persons.¹

Under Delaware law, the objective facts and circumstances must be considered when determining whether the use of force was justifiable against another person, either in self-defense or in the defense of others. The specific factual inquiry is two-pronged. The first question is whether the Officers reasonably believed, at the time they intentionally fired their weapons, that such action was necessary to protect themselves or others from death or serious physical injury. The second question is whether the officers were reckless or negligent in having such belief, or in acquiring or failing to acquire any knowledge or belief, which is material to the justifiability of the

¹ “(a) The use of force upon or toward the person of another is justifiable to protect a third person when: (1) The defendant would have been justified under § 464 of this title in using such force to protect the defendant against the injury the defendant believes to be threatened to the person whom the defendant seeks to protect; and (2) Under the circumstances as the defendant believes them to be, the person whom the defendant seeks to protect would have been justified in using such protective force; and (3) The defendant believes that intervention is necessary for the protection of the other person.”

use of force.² If such force is determined to have been justified, the law requires an examination into whether such force negligently or recklessly created injury or risk of injury to innocent third parties pursuant to 11 Del. C. § 470(b).

In this case, the use of force by police was justified as a matter of law in both self-defense and in the defense of others. The police were not reckless or negligent in forming the belief that deadly force was immediately necessary. On January 22, 2023, a home invasion occurred at 21 West Minuit Drive. Two of the subjects were armed with firearms, including a HK MP-5 .22 caliber firearm and an unbranded handgun. As Officer Sweeney-Jones approached the residence, two subjects exited the front door. Officer Sweeney-Jones saw that one subject was armed with a HK MP-5 rifle. Officer Sweeney-Jones shouted commands at the subjects, but when a subject turned, he was fearful they were trying to engage him. Based upon the evidence available, Officer Sweeney-Jones was reasonable when he feared for his own life, and the lives of nearby officers and residents.

Officer Archangelo also observed two subjects exit the residence, one holding the HK MP-5 rifle. Officer Archangelo stated that he fired at the subject holding the MP-5. He reasonably feared for his own life and the lives of Officers Sweeney-Jones and Guillen who were in close proximity to the subjects.

Officer Guillen ran to the side yard after he heard movement from the back of the property. He encountered a subject and observed something in his hands. Officer Guillen stated that after yelling commands at the subject, the subject turned around and “squared up against” him with his hand in front of him “sort of” pointed. Officer Guillen feared the subject was going to shoot him and fired one shot at the subject. Officer Guillen reasonably feared for his life.

Because the police were justified to use force pursuant to 11 Del. C. § 464, we further determine that they were not negligent or reckless in injuring or creating a risk of injury to third persons under 11 Del. C. § 470(b). The police were confronting armed subjects who had just committed a home invasion. The incident occurred on residential property in the early morning hours, when it is reasonable to believe that most people are inside their homes. No third persons were injured by the police and the police took reasonable measures to only use force when necessary.

Finally, 29 Del C. § 2553(a)(3)b now requires as a matter of law that, if DCRPT issues a public report on the use of force, the report must include the race of the law enforcement officer who used force, the race of the individual on whom force was used, and whether race was a relevant or motivating factor. The race of the subjects is as follows: Chandler is a Black male; DiPasquale is a white male, Edgerton is a white male; Salasky is a white male. The officers who used deadly force (Officers Sweeney-Jones, Archangelo, and Guillen) are all white males. Race was not a relevant or motivating factor in the use of force.³ The relevant and motivating factors in the use of force by police were the reasonable belief that force was necessary due to the imminent danger and substantial risk of death to officers and nearby residents.

² 11 Del. C. § 470(a).

³ If race were a relevant or motivating factor in any shooting, the criminal charging analysis would include discussion of Hate Crimes under 11 Del. Sec. 1304(b).

Upon careful consideration of the available evidence and the application of expert opinion to that evidence, Officers Sweeney-Jones, Archangelo, and Guillen all reasonably believed that the use of deadly force against Chandler, DiPasquale, Edgerton, and Salasky was immediately necessary for the purpose of protecting another – and themselves. As a result, the Department of Justice concludes the use of deadly force in this case does not constitute a criminal offense under the laws of the State of Delaware.